

Kagan Decl. Ex. 19

1
2 IN THE UNITED STATES DISTRICT COURT FOR THE
3 MIDDLE DISTRICT OF PENNSYLVANIA

4 C.A. NO. 3:17-CV-01462

5 STEVEN PLAVIN, GARY ALTMAN,
6 MICHELLE DAVIS-MATLOCK, and
7 DANIELLE THOMAS, on behalf
8 of themselves and all others
9 similarly situated,

10 Plaintiffs,

11 -vs-

12 GROUP HEALTH INCORPORATED,

13 Defendant.

14
15 VIDEOTAPED DEPOSITION OF MICHELLE DAVIS-MATLOCK

16 Friday, June 17, 2022
17 9:49 a.m. - 2:50 p.m.

18 1301 Avenue of the Americas
19 New York, New York 10019

20
21
22
23 Stenographically Reported By
24 Pamela J. Pelino, RPR, FPR, CLR
25 Notary Public, State of Florida
 TSG Reporting
 Job #:211804

	Page 2		Page 3
1	M. DAVIS-MATLOCK	1	M. DAVIS-MATLOCK
2	APPEARANCES:	2	- - -
3	On behalf of the Plaintiffs:	3	I N D E X
4	ARI RUBEN, ESQ.	4	- - -
5	SUSMAN GODFREY	5	MICHELLE DAVIS-MATLOCK DIRECT CROSS REDIRECT
6	1301 Avenue of the Americas	6	BY MR. KAGAN 6
7	New York, New York 10019	7	
8		8	
9		9	
10	On behalf of the Defendant:	10	- - -
11	JARED KAGAN, ESQ.	11	E X H I B I T S M A R K E D
12	JUSTIN FERRONE, ESQ.	12	DESCRIPTION PAGE
13	DEBEVOISE & PLIMPTON	13	Davis-Matlock Exhibit 1 27
14	919 Third Avenue	14	(Plaintiff Michelle Davis-Matlock's Second
15	New York, New York 10022	15	Supplemental Objections and Responses to
16		16	Defendant's Interrogatories)
17	Videographer:	17	Davis-Matlock Exhibit 2 39
18	EDWIN ARLEQUIN	18	(First Amended Class Action Complaint)
19		19	Davis-Matlock Exhibit 3 43
20		20	(Plaintiff Michelle Davis-Matlock's Responses
21		21	and Objections to First Set of Requests for
22		22	Admissions)
23		23	Davis-Matlock Exhibit 4 57
24		24	(Text Messages, PLAVIN_5268 - 70
25		25	CONFIDENTIAL)
		26	Davis-Matlock Exhibit 5 67
		27	(Email with Attachment, PLAVIN_3827 - 29)
		28	Davis-Matlock Exhibit 6 69
		29	(Text Message through Facebook
		30	PLAVIN_5240 - 41, CONFIDENTIAL)
		31	-Continued-
	Page 4		Page 5
1	M. DAVIS-MATLOCK	1	M. DAVIS-MATLOCK
2	- - -	2	P R O C E E D I N G S
3	E X H I B I T S M A R K E D	3	- - -
4	(CONTINUED)	4	Deposition taken before Pamela J. Pelino,
5	DESCRIPTION PAGE	5	Registered Professional Court Reporter and Notary Public
6	Davis-Matlock Exhibit 7 74	6	in and for the State of Florida at Large, in the above
7	(Text Message through Facebook	7	cause.
8	PLAVIN_5245-53, CONFIDENTIAL)	8	- - -
9	Davis-Matlock Exhibit 8 80	9	THE VIDEOGRAPHER: This is the start of
10	(Facebook Messages, PLAVIN_5257-58	10	media labeled Number 1 of the video-recorded
11	CONFIDENTIAL)	11	deposition of Michelle Davis-Matlock in the
12	Davis-Matlock Exhibit 9 85	12	matter Steven Plavin, et al., versus Group
13	(Facebook Messages, PLAVIN_5255, CONFIDENTIAL)	13	Health Incorporated.
14	Davis-Matlock Exhibit 10 92	14	This deposition is being held at Susman
15	(Facebook Messenger Posts, PLAVIN_5266-67)	15	Godfrey LLP, 1301 Avenue of the Americas,
16	Davis-Matlock Exhibit 11 98	16	New York, New York, on June 17, 2022, at
17	(Text Messages, PLAVIN_5272, CONFIDENTIAL)	17	approximately 9:50 a.m.
18	Davis-Matlock Exhibit 12 100	18	My name is Edwin Arlequin. I'm the legal
19	(Text Messages, PLAVIN_5273, CONFIDENTIAL)	19	video specialist from TSG Reporting,
20	Davis-Matlock Exhibit 13 103	20	Incorporated, headquartered at 228 East 45th
21	(Text Messages, PLAVIN_5277, CONFIDENTIAL)	21	Street, Suite 810, New York, New York 10017.
22	Davis-Matlock Exhibit 14 128	22	The court reporter is Pamela Pelino in
23	(October 1, 2020, Letter with Attachments)	23	association with TSG Reporting.
24	PLAVIN_3477-92, CONFIDENTIAL)	24	Counsel, please introduce yourselves.
25	Davis-Matlock Exhibit 15 133	25	MR. KAGAN: Good morning. Jared Kagan of

<p style="text-align: right;">Page 86</p> <p>M. DAVIS-MATLOCK</p> <p>Q. And was it while this lawsuit was ongoing or was it before that?</p> <p>A. It was before 2020.</p> <p>Q. Okay. When you spoke with Ms. Mason by phone, did you talk about this lawsuit?</p> <p>A. No.</p> <p>Q. Okay. So do you see in Ms. Mason's message in Exhibit 9, she says, "I have submitted the following questions," and she lists out four questions?</p> <p>And then do you see your message below that where you write, "Thank you. In the process of moving my daughter. Will have questions emailed to you on Sunday"?</p> <p>Do you see that?</p> <p>A. Yes.</p> <p>Q. Did you, in fact, email Ms. Mason questions?</p> <p>A. I don't recall -- I don't recall.</p> <p>Q. When you say you don't recall, you mean you don't know one way or the other whether you sent Ms. Mason questions?</p> <p>A. In regards to this message right here, I don't recall sending her any messages or questions</p>	<p style="text-align: right;">Page 87</p> <p>M. DAVIS-MATLOCK</p> <p>that I might have.</p> <p>Q. Okay. Do you see where Ms. Mason writes "The Zoom meeting with the attorney working on the GHI class action lawsuit is scheduled for Tuesday, August 4th, at 6:30 p.m."?</p> <p>A. Yes.</p> <p>Q. Did you attend that Zoom meeting that Ms. Mason is referring to?</p> <p>A. I attended a Zoom meeting. What day it was, I could not tell you.</p> <p>Q. Was the Zoom meeting that you're referring to in August of 2020?</p> <p>A. I couldn't tell you the dates.</p> <p>Q. Do you know what year you attended a Zoom meeting?</p> <p>A. I couldn't even tell you that.</p> <p>Q. Okay. The Zoom meeting that you're referring to, do you recall who attended?</p> <p>A. The Zoom meeting that I -- Michelle Mason, myself, and Steve Cohen.</p> <p>Q. Do you see back in Ms. Mason's Facebook post, she writes, "I will post the link as soon as I receive it"?</p> <p>A. I don't see that.</p>
<p style="text-align: right;">Page 88</p> <p>M. DAVIS-MATLOCK</p> <p>Q. Do you see that the first sentence in Ms. Mason's message July 29, 2020, she writes "The Zoom meeting with the attorney working on the GHI class action lawsuit is scheduled for Tuesday, August 4th, at 6:30 p.m. I will post the link as soon as I receive it"?</p> <p>A. I see it now.</p> <p>Q. Okay. Do you know if Ms. Mason posted a link on Facebook regarding this message?</p> <p>A. That, I don't know. But I know the Zoom meeting was through Facebook.</p> <p>Q. Okay. And do you know if the Zoom meeting that Ms. Mason is referring to is the Zoom meeting that you attended or if they're different Zoom meetings?</p> <p>A. That, I don't know. I know I attended one.</p> <p>Q. Okay. Now, I just want to be careful. I'm not going to ask you what was discussed. But the meeting that you refer to that you attended with Ms. Mason and Mr. Cohen, what was the purpose of that meeting?</p> <p>MR. RUBEN: Objection to form.</p> <p>THE WITNESS: The meeting that I attended</p>	<p style="text-align: right;">Page 89</p> <p>M. DAVIS-MATLOCK</p> <p>was about a possible lawsuit in which I told Steve Cohen that I would contact him at a later time.</p> <p>BY MR. KAGAN:</p> <p>Q. During the Zoom meeting, you told Steve Cohen that you would contact him at a later time?</p> <p>A. Yes.</p> <p>Q. Okay. What was the purpose of Ms. Mason being in that Zoom meeting?</p> <p>MR. RUBEN: Objection to form.</p> <p>THE WITNESS: She's the person who created the group.</p> <p>BY MR. KAGAN:</p> <p>Q. Do you know how Ms. Mason -- well, strike that.</p> <p>Do you know if Ms. Mason knows Mr. Cohen?</p> <p>MR. RUBEN: Objection to form.</p> <p>THE WITNESS: I don't know.</p> <p>BY MR. KAGAN:</p> <p>Q. Okay. So you testified a moment ago that you told Mr. Cohen that you would contact him by email after the Zoom meeting.</p> <p>Did you, in fact, contact Mr. Cohen by</p>

<p style="text-align: right;">Page 102</p> <p>M. DAVIS-MATLOCK</p> <p>1 looks like part of the message is cut off, and it 2 says "view all"?</p> <p>A. I'm sorry?</p> <p>Q. In your message to Liza, where it starts 3 with "Hey, Liza" -- do you see that?</p> <p>A. Yes.</p> <p>Q. And if you go down that message, do you 4 see part of it's cut off, and it says "view all"?</p> <p>A. That is correct.</p> <p>Q. Do you know what the rest of that message 5 says?</p> <p>A. Not off the top of my head.</p> <p>Q. Okay. Do you have that message on your 6 phone still?</p> <p>A. I can look and see.</p> <p>Q. Do you have your phone with you today 7 that that was on?</p> <p>A. Not that particular phone, no, I don't.</p> <p>Q. Aside from this text message exchange 8 with Liza, did you have any other discussion with 9 her about this lawsuit?</p> <p>A. No. She never bothered to answer -- 10 well, she told me she no longer had GHI, and that 11 was the end of the conversation.</p>	<p style="text-align: right;">Page 103</p> <p>M. DAVIS-MATLOCK</p> <p>1 Q. Did anybody ask you to contact former 2 colleagues in relation to this lawsuit?</p> <p>A. It was mentioned in a Zoom meeting, and 3 for those who may not have attended, that I know 4 personally, I reached out to them to ask them if 5 they were -- if they were having any problems with 6 GHI.</p> <p>Q. Is that the Zoom meeting with Ms. Mason 7 and Mr. Cohen?</p> <p>A. Yes.</p> <p>MR. KAGAN: Mark this as Exhibit 13. (Davis-Matlock Exhibit 13 was marked for identification.)</p> <p>BY MR. KAGAN:</p> <p>Q. Ms. Davis-Matlock, do you recognize the exhibit that's been marked as Exhibit 13?</p> <p>A. Yes.</p> <p>Q. What do you recognize Exhibit 13 as?</p> <p>A. It was a text message that I sent to a former sergeant of mine.</p> <p>Q. And that sergeant is Bobby Shirley?</p> <p>A. That's correct.</p> <p>Q. Why did you send this text message to Bobby Shirley?</p>
<p style="text-align: right;">Page 104</p> <p>M. DAVIS-MATLOCK</p> <p>1 A. Because he also lives in Texas and he has 2 GHI, and he has younger kids than I have. And he 3 wasn't at that Zoom meeting.</p> <p>Q. Okay. And did you tell Mr. Shirley, "I 4 have the lawyer's email address and number if you 5 would" -- and then it gets cut off?</p> <p>Do you see that?</p> <p>A. Yes.</p> <p>Q. Do you know what the rest of that text 6 message said?</p> <p>A. No.</p> <p>Q. Do you recall why you told Mr. Shirley 7 that you have the lawyer's email address and number?</p> <p>A. Once again, he lives in Texas, he has 8 GHI, and we have a problem finding doctors that will 9 take GHI. So as part of that group, we all talk 10 about various things.</p> <p>And I do know he wasn't present at that 11 meeting, so I told him if he did have any problems I 12 had the lawyer's email address. I didn't just 13 voluntarily give out Steve Cohen's information. If 14 someone -- which no one did -- except for Liza told 15 me she didn't have GHI. Bobby Shirley never 16 responded back to me, so I left it at that.</p>	<p style="text-align: right;">Page 105</p> <p>M. DAVIS-MATLOCK</p> <p>1 Q. So at the time that you sent Mr. Shirley 2 this text message in August of 2020, had you decided 3 at this point one way or another whether you were 4 going to be a plaintiff in this lawsuit?</p> <p>A. I don't recall. I do know that I went to 5 the Zoom meeting, but I don't recall if it was like 6 right then and there.</p> <p>Q. So having looked at some of these text 7 messages relating to the Zoom meeting that you've 8 referenced, do these refresh your recollection at 9 all about anything else that was discussed in the 10 Zoom meeting?</p> <p>MR. RUBEN: Objection to form.</p> <p>THE WITNESS: Only thing I can recall right now is the lack of doctors that participate within GHI and the fact that some of us have to travel back here to New York.</p> <p>BY MR. KAGAN:</p> <p>Q. And in the Zoom meeting with Ms. Mason and Mr. Cohen, do you recall being told anything about this lawsuit?</p> <p>A. What do you mean?</p> <p>Q. Do you recall anybody in that meeting discussing anything about the specific claims in</p>

<p style="text-align: right;">Page 106</p> <p>1 M. DAVIS-MATLOCK 2 this lawsuit? 3 MR. RUBEN: And just to caution you, to 4 the extent this is asking about a private 5 meeting you had with Mr. Cohen, I would advise 6 you not to answer on grounds of attorney-client 7 privilege. 8 I'm not totally clear which meeting 9 you're talking about. 10 MR. KAGAN: I can ask that again. 11 BY MR. KAGAN: 12 Q. In the Zoom meeting with Mr. Cohen and 13 Ms. Mason, do you recall anybody in that meeting 14 discussing anything about the specific claims in 15 this lawsuit? 16 MR. RUBEN: Same instruction. 17 THE WITNESS: No, I don't recall. 18 BY MR. KAGAN: 19 Q. Just to be clear, do you not recall or 20 are you not disclosing any information because 21 you're following your lawyer's instruction? 22 MR. RUBEN: And to be clear, the 23 instruction is if it was something that 24 happened on a Zoom call that was made available 25 beyond just you and Mr. Cohen, but to other</p>	<p style="text-align: right;">Page 107</p> <p>1 M. DAVIS-MATLOCK 2 folks where confidential communications weren't 3 had, I'm not instructing you not to answer 4 that. I'm just instructing you not to answer 5 if you had a private communication with 6 Mr. Cohen. 7 THE WITNESS: During that Zoom meeting, 8 as I stated before, I'm not exactly sure who 9 was in attendance. I do know -- because I know 10 Bobby Shirley and Liza personally, I do know 11 that they were not in attendance at the Zoom 12 meeting. 13 Everyone else who is part of this group, 14 I don't know them, so I couldn't tell you X was 15 there or Y was there. I just know of who I 16 know on a personal note of who was there. 17 What was discussed, I don't know. 18 BY MR. KAGAN: 19 Q. So I'm not sure I'm following, so I just 20 want to make sure we're clear. 21 So earlier today you had testified about 22 a Zoom meeting that you attended with Mr. Cohen and 23 Ms. Mason; correct? 24 A. That is correct. 25 Q. And they were on the same Zoom meeting;</p>
<p style="text-align: right;">Page 108</p> <p>1 M. DAVIS-MATLOCK 2 right? 3 A. It was -- yes. We all were on the Zoom 4 meeting. 5 There were others, but I do not know who 6 they were. 7 Q. Right. That's what I'm trying to 8 understand. So in addition to you and Mr. Cohen and 9 Ms. Mason, there were other individuals on that Zoom 10 meeting? 11 A. Oh, that's correct. It wasn't a 12 three-way conversation with just the three of us. 13 Q. Okay. 14 A. There were others. I just don't know who 15 they were. 16 Q. Okay. Thank you. 17 Do you know approximately how many other 18 individuals were on that Zoom meeting? 19 A. No. 20 Q. Okay. Who spoke at that Zoom meeting? 21 A. Steve Cohen and Michelle Mason and maybe 22 others. The others, I could not tell you. 23 Q. Okay. Do you recall anything specific 24 that Ms. Mason said on that Zoom meeting? 25 A. No.</p>	<p style="text-align: right;">Page 109</p> <p>1 M. DAVIS-MATLOCK 2 Q. Do you recall anything specific that 3 Mr. Cohen said on that Zoom meeting? 4 A. No. 5 Q. On that Zoom meeting that we've been 6 discussing, did anybody say on that meeting that you 7 should reach out to other individuals who you know 8 have GHI but could not attend this meeting? 9 A. That, I do recall. 10 Q. Okay. Who said that? 11 A. That, I don't know, but I do know that 12 that's why I reached out to Liza, I reached out to 13 Bobby Shirley, and I reached out to Walter Sherrod. 14 Q. Can you go back to Exhibit 9, please. 15 A. (Witness complies.) 16 Q. And looking at Ms. Mason's message, do 17 you see there's a list of questions where she writes 18 "I have submitted the following questions"?</p> <p>19 A. Yes. 20 MR. RUBEN: I'm sorry, Counsel. My 21 exhibits aren't marked. Which date is the 22 Exhibit 9? 23 MR. KAGAN: It's ending in Bates Number 24 5255. 25 MR. RUBEN: Okay. Thank you.</p>